IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 27TH NOVEMBER 2007 / 6TH AGRAHAYANA 1929

W.P(C).No. 34969 of 2007(K)

PETITIONER:

PAZHANIYAPPAN, S/O. AMRUTHALINGAM,
NO.F.2, LOYDS COLONY, ROYAPETTAH, CHENNAI.

BY ADV. SRI.VINOD KUMAR.C

RESPONDENTS:
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1. **MANAGER,**
   PUNJAB NATIONAL BANK,
   KANJIKODE BRANCH, PALAKKAD.

2. **AUTHORISED OFFICER,**
   ASSET RECOVERY MANAGEMENT BRANCH,
   3RD FLOOR, 40/1461, MARKET ROAD,
   ERNAKULAM.

3. **L.R.P.SPINNING MILL PVT. LTD. AND**
   L.R.OIL EXTRACT LTD., REP. BY ITS MANAGING
   DIRECTOR, C.L.PARTHESARATHY,
   KOLANTHAVALLIKALAM,
   KANJIKODE P.O., PUTHUSSERY, PALAKKAD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) NO.34969 OF 2007 K

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Dated this the 27th day of November, 2007

J U D G M E N T

Petitioner submits that the 3rd respondent had encroached into a portion of his property and that he had committed default to the 1st respondent Bank and the Bank had initiated action under Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. It is stated that the proceedings under the Securitisation Act has now reached the stage of sale and petitioner apprehends that the purchaser of the land may take in advantage of the encroachment that was committed by the 3rd respondent and raise a claim over his land as well. It is on this apprehension that the petitioner has submitted Ext.P7 application to the Bank requesting for measurement of the properties and for demarcation of the boundary wall before the sale is conducted.

2. In view of the apprehension now expressed by the petitioner, the request seems to be quite genuine. In view of

this, I direct that the 1st respondent shall take up Ext.P7 request of the petitioner, if the same has been received and is pending. Thereafter, a decision on Ext.P7 shall be taken and if necessary, before the sale is held, the properties shall be surveyed and boundaries demarcated within six weeks of receipt of a copy of this judgment.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE

Rp